

# **Exhibit P**

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UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

YUGA LABS, INC., )  
)  
Plaintiff, )  
)  
vs. ) Case No.  
) 2:22-cv-04355-JFW-JEM  
RYDER RIPPS and JEREMY )  
CAHEN, )  
)  
Defendants. )  
\_\_\_\_\_)

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VIDEOTAPED DEPOSITION OF RYAN HICKMAN  
Taken on Wednesday, December 7, 2022  
By a Certified Stenographer and Legal Videographer  
At 9:11 a.m.  
At 9275 West Russell Road, Suite 240  
Las Vegas, Nevada

Stenographically reported by:  
Holly Larsen, NV CCR 680, CA CSR 12170

Page 1

1 APPEARANCES:

2 For the Plaintiff:

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7 For the Defendants:

8 WILMERHALE

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12 The Legal Videographer:

13 SAMUEL CAMACHO

1 Q. Are you taking any medication today that  
2 would prevent you from providing your best  
3 recollection of the events that I'm going to ask  
4 questions about today?

5 A. No medications.

6 Q. Is there any other condition that we  
7 should be aware about that might prevent you from  
8 providing your best recollection at today's  
9 deposition?

10 A. Not -- no medical conditions that I'm  
11 aware of.

12 Q. I appreciate that. Thank you.  
13 Have you ever met Mr. Gosma before  
14 today?

15 A. No.

16 Q. Have you ever spoken with any of Ryder  
17 Ripps' and Jeremy Cahen's lawyers before today?

18 A. Yes.

19 Q. When?

20 A. A week ago -- sorry. Two weeks ago and  
21 two days ago.

22 Q. Other than the conversation two weeks  
23 ago and the conversation two days ago, is it your  
24 testimony you've had no other conversations with the  
25 lawyers that represent Mr. Ripps and Mr. Cahen?

1 A. Zero.

2 Q. What was -- who did you speak with two  
3 weeks ago?

4 A. The gentleman's name is Louis.

5 Q. Louis Tompros?

6 A. Yes.

7 Q. How did you and Mr. Tompros get  
8 connected with one another?

9 A. Through Jeremy.

10 Q. How did Jeremy connect you to  
11 Mr. Tompros?

12 A. I reached out to Jeremy in regards to  
13 the -- I was served. There was construction at my  
14 house. I was served papers to do a deposition, and  
15 I wanted to know what the state of the case was.  
16 And he asked me to perhaps speak to Louis.

17 I reached out to Louis, and we spoke for  
18 a few moments, and I said I was represented by  
19 counsel and gave him my counsel's name, to learn  
20 that I actually no longer had counsel at that time.

21 Q. And when you say "Jeremy" -- just so  
22 that the record is clear, if you say "Jeremy," you  
23 are referring to Jeremy Cahen, one of the defendants  
24 in this case?

25 A. Correct.

1 Q. How did you reach out to Mr. Cahen in  
2 connection with this conversation two weeks ago?

3 A. I called him on the phone.

4 Q. So you have his cell phone number?

5 A. No. I talked to him through the  
6 internet.

7 Q. What software did you use to call  
8 Mr. Cahen?

9 A. Telegram.

10 Q. Do you know if there's any record that  
11 is made by Telegram of the conversation you had with  
12 Mr. Cahen?

13 A. Not for how I use it, no.

14 Q. And what do you mean by that, not for  
15 how you use it?

16 A. End-to-end encrypted software.

17 Q. How long was your conversation with  
18 Mr. Cahen approximately two weeks ago?

19 A. Less than five minutes.

20 Q. Other than what you've testified to, is  
21 there anything else that you and Mr. Cahen talked  
22 about on that conversation?

23 A. No.

24 Q. And then did Mr. Cahen provide you with  
25 the contact information for Mr. Tompros?

1 A. Yes.

2 Q. And then did you call Mr. Tompros?

3 A. Yes.

4 Q. And you said a few moments, I believe  
5 was your testimony --

6 A. Yes.

7 Q. -- was the length of your conversation  
8 with Mr. Tompros; is that right?

9 A. Correct.

10 Q. What did you and Mr. Tompros discuss?

11 A. I asked him, am I -- where is the state  
12 of the case? What's happening? I read online, so  
13 it speaks to a ruling, and I'm just trying to  
14 understand what's going on.

15 Just because this is -- this is just  
16 burdening my life. So I wanted to know, like, what  
17 do I need to do in order to proceed.

18 And he asked me if I had counsel. I  
19 said yes. I gave him my counsel's contact  
20 information. We got off the phone.

21 He called me back five minutes after to  
22 inform me that I actually no longer had counsel, and  
23 I should go and seek counsel, and that was the end  
24 of our call.

25 Q. Okay. I believe you just testified that

1 paper trail of emails that I didn't review at all.

2 Q. What do you mean by that?

3 A. I didn't open any of these emails.

4 Q. Understood. They were received, but you  
5 had not opened them by the time you spoke with  
6 Mr. Tompros?

7 A. Correct.

8 Q. Did you open them after you spoke with  
9 Mr. Tompros?

10 A. I've only opened the last one in regard  
11 to -- there's a thread. I only opened the last one  
12 that said he was no longer my counsel.

13 Q. That was an email you received from  
14 Mr. Jacobs?

15 A. Correct. As a confirmation.

16 Q. Understood.

17 Can you confirm for the record the email  
18 address that you and I have corresponded that you  
19 have used?

20 A. I believe you guys talked to me through  
21 Kingsrborn@gmail.com.

22 Q. That is your email address, just for the  
23 record?

24 A. That is one of my email addresses,  
25 correct.



1 Q. Can you let us know your other email  
2 addresses that you have?

3 A. Yes.

4 Q. What are they?

5 A. Hwonder@buildworksdao.xyz [sic].

6 Q. Any others?

7 A. Ryan.Hickman@epic.ai.

8 And -- I mean, I have several other  
9 emails that I use for other purposes. I don't  
10 communicate with humans over those emails. They're  
11 for software and development.

12 Q. Do any of those other emails whose  
13 addresses you have not yet told us have any messages  
14 in them that relate in any way to the subject matter  
15 of this lawsuit?

16 A. No.

17 Q. Of the email addresses that you have  
18 stated for us on the record, do any of those have  
19 any messages that have anything to do with the  
20 subject matter of this lawsuit?

21 A. The Kingsrborn@gmail.com that we speak  
22 over. And I believe this is (indicating) -- I don't  
23 know what this is from. It's possible that this  
24 could be under Hwonderofworld@gmail.com. That's  
25 where I spoke to Ethan from.

1 Q. Understood.

2 Have you used email to communicate with

3 Mr. Ripps?

4 A. No.

5 Q. Have you used email to communicate with

6 Mr. Cahen?

7 A. No.

8 Q. Do you know who Tom Lehman is?

9 A. Yes.

10 Q. Have you used email to communicate with

11 Tom Lehman?

12 A. Yes.

13 Q. What email have you used to communicate

14 with Mr. Lehman?

15 A. Hwonderofworld@gmail.com.

16 Q. After you found out that Mr. Jacobs was  
17 no longer representing you, what did you do in  
18 connection with complying with Exhibit 1?

19 A. I reached out to a few friends to find  
20 some attorneys that could represent me. And outside  
21 of speaking with Louis, I didn't -- that was it.

22 Q. Did you -- you did not retain counsel in  
23 connection with those discussions that you had?

24 A. No, I did not.

25 Q. Did you -- if you look in Exhibit 1 -- I

1 guess let's start on the front page. We already  
2 talked about the top middle that tells you this  
3 location at Fennemore is where your deposition was  
4 going to happen.

5 Do you see that check mark in the  
6 address?

7 A. Uh-huh.

8 Q. Then if you go immediately below that,  
9 there's another check-mark and a reference to an  
10 Attachment A.

11 Do you see that?

12 A. Yes.

13 Q. And did you understand -- do you  
14 understand today that that check-mark and that  
15 reference in the subpoena was asking you to bring  
16 documents to this deposition today?

17 A. I did not.

18 Q. Did you read Attachment A at any time  
19 after you were served with the subpoena that is  
20 Exhibit 1?

21 A. I scanned through the document, yes.

22 Q. And what was your understanding of what  
23 was being asked of you through Exhibit 1?

24 A. To show up for a deposition.

25 Q. And before we went on the record I asked

1 you if you had the documents that were requested in  
2 the subpoena, and I don't remember your exact words,  
3 but to the effect of you haven't had a chance to  
4 look for them; is that correct?

5 A. Correct.

6 Q. So at least when you walked into the  
7 conference room today you understood that I was  
8 looking for documents?

9 A. Correct.

10 Q. Can you explain to me why it is that you  
11 have not had an opportunity to look for the  
12 documents that are requested by Exhibit 1?

13 A. I just haven't had the time.

14 Q. Do you have any more information than  
15 that?

16 A. In terms of?

17 Q. In terms of how you haven't found the  
18 time to comply with the subpoena.

19 A. To log into software where I don't have  
20 administrative access to, to take on additional  
21 work, when I have to focus on the obligations I have  
22 for my family, I just haven't had the time.

23 Q. You can see that Exhibit 1 sought your  
24 testimony, your documents on November 28th; is that  
25 correct?

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1 A. Correct.

2 Q. We had reached out to you after you were  
3 served with Exhibit 1 to let you know that if the  
4 date of November 28th did not work for your  
5 compliance with Exhibit 1, we could find a new date  
6 for your deposition in compliance with Exhibit 1;  
7 correct?

8 A. Correct.

9 Q. You let us know that December 6th or 7th  
10 could work for you; correct?

11 A. Correct.

12 Q. We're here today on December 7th?

13 A. Correct.

14 Q. What between November 28th and  
15 December 7th prevented you from looking for the  
16 documents that were sought in Exhibit 1?

17 A. I launched three pieces of software, and  
18 I've been consumed with the launch of that software.

19 Q. Anything else?

20 A. No. Travel. I mean, I have a family.  
21 I have four children.

22 Q. Anything else?

23 A. That's all.

24 Q. You had mentioned a call that you had  
25 with Mr. Tompros about two days ago; is that

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1 private channel chat.

2 Outside of that, specific to this, those  
3 were my channels where I had these discussions.

4 Q. On Discord?

5 A. On Discord.

6 Q. So you did not have -- if I'm  
7 understanding your testimony correctly, you did not  
8 have private Discord communications with Mr. Cahen?

9 A. Did I have one-to-one Discord? It is  
10 possible I have a Discord chat with him.

11 Q. Have you looked to see if you have a  
12 private Discord chat with Mr. Cahen either in the  
13 process of responding to Exhibit 1 or Exhibit 2?

14 A. Yes.

15 Q. When did you look to see if you had a  
16 private Discord chat with Mr. Cahen?

17 A. On the -- specifically on the 29th of  
18 September.

19 Q. On the 29th of September you looked to  
20 see if you had a private Discord chat with  
21 Mr. Cahen?

22 A. Correct.

23 Q. And do you have a recollection of  
24 whether or not you determined there was one or there  
25 wasn't one?

Page 38

1           A.           I don't -- I don't remember. I believe  
2 I have a chat. I don't believe we had a discussion  
3 around this.

4           Q.           Other than looking to see if you had a  
5 chat with Mr. Cahen on Discord, did you look through  
6 that chat to see if that chat related in any way to  
7 RR/BAYC NFTs, to BAYC NFTs, or to Yuga Labs?

8           A.           The private chat between he and I?

9           Q.           Correct.

10          A.           Yes. I scrolled to look at our  
11 messages.

12          Q.           You did that on or about September 29th?

13          A.           On specifically the day I submitted this  
14 document.

15          Q.           By "this document" you mean Exhibit 7?

16          A.           Correct, yes.

17          Q.           And what was your determination as to  
18 the nature of your communications with Mr. Cahen on  
19 that chat?

20          A.           Just overwhelmed in general on how I  
21 would get this -- how I would record this  
22 information.

23          Q.           You were overwhelmed by how would I pull  
24 the volume of the communications I had between  
25 Mr. Cahen and yourself on Discord?

1 A. No. All Discord communications.

2 Q. Okay. I'm not trying to be difficult.

3 I am trying to understand you here.

4 I'm understanding your testimony to be  
5 that on or about September 29th you were overwhelmed  
6 by the volume of the Discord communications and how  
7 would you procedurally get them to us; is that  
8 correct?

9 A. Correct. And in response to -- I opened  
10 my email, and my email communicated that I was  
11 served on the 9th, and by the 23rd I was in contempt  
12 of court because I did not respond, and I  
13 immediately began combing through the documents and  
14 trying to figure out how I was going to capture this  
15 information. I put together the PDF, and I sent you  
16 the PDF.

17 Q. Okay. And Exhibit 37 [sic] does not  
18 have the group chat that you mentioned; correct? So  
19 Exhibit 7 is your response?

20 A. Yes.

21 Q. And that document you sent us on  
22 September 29th does not have the group Discord chat  
23 that you mentioned; correct?

24 A. Correct.

25 Q. And Exhibit 7 does not have the direct



1 chat that you mentioned with Mr. Lehman on Discord;  
2 correct?

3 A. Correct.

4 Q. Nor does it have the direct chat that  
5 you had with Mr. Cahen on Discord; correct?

6 A. Correct.

7 Q. Subsequent to September 29th, did you do  
8 anything to try to get those Discord chats to  
9 Fenwick & West?

10 A. No.

11 Q. Did you have direct chats with Mr. Ripps  
12 on Discord?

13 A. No.

14 Q. So in terms of Discord chats that might  
15 be responsive to Request Number 1 on Exhibit 1,  
16 there would be the group chat that you mentioned,  
17 the personal chat with Mr. Lehman, and the personal  
18 chat with Mr. Cahen; correct?

19 A. Correct.

20 (Exhibit 8 marked.)

21 BY MS. CULP:

22 Q. So you had mentioned the group chat.  
23 Do you see Exhibit 8 in front of you?

24 A. Yes.

25 Q. Is this the group chat you were

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1       referencing, or at least the beginning of it?

2           A.        I believe, yes.

3           Q.        You had mentioned the development team,  
4       and you had listed four names: yourself,  
5       Mr. Lehman, Mr. Ripps, and Mr. Cahen.

6                    Is it your testimony that the four of  
7       you were the development team for Team Ape Market?

8           A.        The developers -- when you say  
9       "development team," what do you mean by that?

10          Q.        Thank you. I'm trying to understand  
11       what you meant when you used the phrase "development  
12       team" earlier, and I should have asked you that  
13       question earlier. You had used the phrase  
14       "development team."

15                    My question is: Who is the development  
16       team?

17          A.        The developers, the smart contract  
18       coders and website developers in that context is  
19       myself and Tom.

20          Q.        So the development team is you and Tom?

21          A.        Correct.

22          Q.        And the developers for the contract are  
23       Mr. Ripps and Mr. Cahen?

24          A.        So the primary contract, the Foundation  
25       contract, is Foundation. That contract issues the

Page 42

1 tokens that are referred to as RR/BAYC.

2 Myself and Tom created a reserve system  
3 so that people could interface with the reservation  
4 system to commission Ryder Ripps to create the  
5 Foundation token and issue it to the specific person  
6 who reserved that specific token. So on the  
7 development front, it's specifically for that case.

8 Q. For the reservation system?

9 A. Correct.

10 Q. And also for Ape Market; correct?

11 A. Correct.

12 Q. So you and Tom were the developers for  
13 the RR/BAYC RSVP contract and the RR/BAYC domain and  
14 the ApeMarket.com domain; is that correct?

15 A. The ApeMarket.com domain, I don't know  
16 who's the registrar of that.

17 But the ApeMarket.com is blank. There  
18 was no site on ApeMarket.com.

19 Q. That's live today?

20 A. There is no website on there, no.

21 Q. There was development work that you and  
22 Mr. Lehman did with the anticipation of hosting a  
23 live website on the domain ApeMarket.com; correct?

24 A. There was a system that I developed in  
25 2021, December of '21, for any project to stand up a

1 marketplace. And if you type in a contract address,  
2 it shows that collection. The development was done  
3 before this even existed.

4 The opportunity was to put that token  
5 address on that specific -- load that token address  
6 in that client to allow market transactions.

7 Q. On the domain ApeMarket.com?

8 A. It could have been put on ApeMarket.com,  
9 yes.

10 Q. The intention that you, Mr. Ripps,  
11 Mr. Cahen, and Mr. Lehman had was that it would be  
12 put on the domain ApeMarket.com?

13 A. Yes.

14 Q. Turning back to Exhibit 8, Mr. Lehman  
15 produced the Team Ape Market Discord chat.  
16 Exhibit 8 is obviously the first page of what would  
17 obviously be a very lengthy document if we printed  
18 the entire thing.

19 Do you know how Mr. Lehman exported the  
20 Discord chat into a format that rendered it  
21 producible to Fenwick & West?

22 A. I do not know.

23 Q. Did Mr. Lehman have different rights or  
24 privileges to Team Ape Market than you?

25 A. I don't know.

1 Q. Did you, in responding to either --  
2 attempting to respond to either Exhibit 1 or  
3 Exhibit 2, look at the permissions that you had for  
4 the Team Ape Market chat to determine whether or not  
5 you had the necessary permissions to export that  
6 chat?

7 A. I looked at private chats. I did not  
8 look specifically at the Ape Market chat's  
9 permission structure.

10 Q. For the private chats that you had, you  
11 had the permission to export that, if it was  
12 technically feasible to do so?

13 A. I would have that, yes.

14 Q. This is more for the record. We will  
15 look at a number of different communications that  
16 happened on the Team Ape Market chat. It is very  
17 big, for obvious reasons. There are going to be  
18 screen grabs that will have dates and times on them.  
19 Those dates and times are getting pulled out of the  
20 native file that was produced to us. When we look  
21 at those, I just want you to understand what we're  
22 looking at.

23 MR. GOSMA: I'll just make a standing  
24 objection for the record that to the extent you show  
25 him excerpts from, you know, a longer document,

1 that, you know, that's improper because he doesn't  
2 have the context that he needs to answer the  
3 questions.

4 (Exhibit 9 marked.)

5 BY MS. CULP:

6 Q. Do you know what Exhibit 9 is? With all  
7 of the documents, you can flip through them to  
8 refresh your memory as to what they are and to  
9 identify the documents. I will do my best to direct  
10 your attention to where my question is, but that's  
11 not to prevent you from reviewing an exhibit.

12 The question is, do you know what  
13 Exhibit 9 is?

14 A. Yes. These are conversations.

15 Q. Between you and Mr. Lehman?

16 A. Correct.

17 Q. Again, this is to define definitions so  
18 that we're all on the same page with each other.

19 @middlemarch.eth is Tom Lehman in  
20 Exhibit 9?

21 A. Correct.

22 Q. And Hwonder is you?

23 A. Correct.

24 Q. If we look at Exhibit 8, which is the  
25 one-page Discord document, @hwonder in the Discord

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1 I use at all. I visit it to make sure that my  
2 Netflix is paid, my Amex is paid. I went to visit  
3 and seen a message from your team.

4 Q. And then you had referenced an Hwonder  
5 Gmail address as well?

6 A. Correct.

7 Q. You used that to communicate with your  
8 prior lawyer, Mr. Jacobs?

9 A. Correct.

10 Q. And you've not used any other email  
11 addresses to communicate about RR/BAYC NFTs, BAYC  
12 NFTs, or Yuga Labs, other than what you've already  
13 told me about?

14 A. Correct.

15 Q. With respect to Request Number 3, do you  
16 see it references all Telegram communications again  
17 from the beginning of the year to the present  
18 relating to the three items that are listed there?

19 Do you see that?

20 A. Yes.

21 Q. Did you have Telegram communications  
22 that relate to any or all of those topics?

23 A. Over voice.

24 Q. Over voice?

25 A. Yes.

Page 49

1 Q. Any written Telegram communications?

2 A. I believe -- I actually believe we did  
3 talk on Telegram.

4 Q. Did you look to see if you had written  
5 Telegram communications that are responsive to this  
6 subpoena?

7 A. At that time I did not.

8 Q. Do you know as you sit here whether or  
9 not you have written Telegram communications that  
10 are responsive to the subpoena?

11 A. No, not that -- my Telegram is all  
12 encrypted now.

13 Q. What do you mean by it's "all encrypted  
14 now"?

15 A. I was hacked. I emailed you guys  
16 earlier in September. And I had lost a significant  
17 amount of money. As a result, I encrypted all of my  
18 communications.

19 Q. And does that encryption of your  
20 communications somehow destroy communications that  
21 you may have had that predated the date of the  
22 encryption?

23 A. Every 28 days.

24 Q. When did you encrypt your Telegram?

25 A. The specific date that I was hacked. I



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1 don't know the specific date off the top of my head.

2 Q. Do you know the month?

3 A. September.

4 Q. Of 2022?

5 A. Correct.

6 MR. GOSMA: It's been about an hour.

7 Maybe we can take a break here if you're going to  
8 move on.

9 MS. CULP: Yeah. We'll go off the  
10 record.

11 THE VIDEOGRAPHER: Going off the record.  
12 Time is 10:09 a.m.

13 (A break was taken.)

14 THE VIDEOGRAPHER: We are back on the  
15 record. The time is 10:20 a.m.

16 (Exhibit 10 marked.)

17 BY MS. CULP:

18 Q. We were talking about Telegram before  
19 the break, and I've put in front of you Exhibit 10.

20 Do you recognize what Exhibit 10 is at  
21 least a part of?

22 A. Yes.

23 Q. What is it?

24 A. This is where -- yeah, this is our  
25 Telegram chat.

Page 51

1 Q. What's your Twitter handle?

2 A. hWonderofWorld.

3 Q. Do you have any other Twitter accounts  
4 other than that one?

5 A. Yes.

6 Q. What are they?

7 A. Buildworks Dao, Metabox Gaming, Puzl  
8 World, Puzzle Punk.

9 They're all project sources. They  
10 don't -- they're not at all tied into any of this  
11 stuff (indicating).

12 Q. Of the Twitter handles that you just  
13 told me, which ones have anything to do with  
14 RR/BAYC, BAYC, or Yuga Labs?

15 A. I've spoken about those things on --  
16 only on hWonderofWorld Twitter account.

17 Q. Have you had direct messages in Twitter  
18 with anyone on that hWonderofWorld Twitter account?

19 A. Specific to this?

20 Q. Correct.

21 A. Not that I can recall. My Twitter DMs  
22 are group chats, but they're scoped to projects.  
23 There's chats for developers, chats for -- chats  
24 that I'm invited to. Not chats that are specific to  
25 RR/BAYC.

1 Q. Whether or not the chats are specific  
2 to BAYC or RR/BAYC, have you had communications in  
3 any group chat or one-to-one chat through the  
4 Twitter DM?

5 A. I regularly speak on BAYC being a  
6 security in development chats. I regularly speak  
7 about BAYC being a security in some of the launchpad  
8 chats where people come up with ideas and create  
9 ideas. I have strong positions on that. But  
10 specific to RR/BAYC, no.

11 (Exhibit 11 marked.)

12 MS. CULP: Lehman 210 is Exhibit 11.

13 MR. GOSMA: What's Lehman 207?

14 MS. CULP: Not marked yet.

15 BY MS. CULP:

16 Q. Do you see Exhibit 11?

17 A. Yes, I do.

18 Q. Does Exhibit 11 refresh your  
19 recollection that you did have direct Twitter  
20 messages about RR/BAYC?

21 A. I mean, this is a conversation. I don't  
22 know if it's specifically about RR/BAYC.

23 Q. Look at the message at 11:12 about the  
24 middle of the page.

25 Do you see that?

1 A. Yes.

2 Q. And the author is Tom Lehman; correct?

3 A. Correct.

4 Q. Tom Lehman writes, "Bro, you weren't  
5 offered free RR/BAYC. You were offered lower priced  
6 ones."

7 Do you see that?

8 A. Correct.

9 Q. Then he writes, "Come on."

10 A. Okay.

11 Q. Then he writes, "I'm trying to get my  
12 story straight here."

13 A. Okay.

14 Q. Then he writes, "I accepted."

15 A. Okay.

16 Q. Then you write, "Ha, ha, ha, ha. I'm  
17 trolling RN, if you haven't noticed."

18 A. Okay.

19 Q. Does Exhibit 11 and the written  
20 communications I just referenced refresh your  
21 recollection at all that you have had Twitter direct  
22 messages that relate to RR/BAYC?

23 A. Again, I'm not certain if this is the  
24 full context of this, but he does mention RR/BAYC in  
25 here. There's other references in here in terms of

1 block -- passing the block 15M. There's another  
2 reference of volume. I don't know what these are  
3 specific to.

4 So, yeah, we could have had a  
5 conversation about RR/BAYC here.

6 Q. It's possible?

7 A. It's possible. I just don't remember.

8 Q. Have you gone into your Twitter direct  
9 messages to run any sort of search function for the  
10 term "RR/BAYC"?

11 A. I've not.

12 Q. Have you gone into your Twitter direct  
13 messages to run any sort of search function for the  
14 term "BAYC"?

15 A. I have not.

16 Q. Have you gone into your Twitter direct  
17 messages to run any sort of search function for the  
18 term "Yuga Labs"?

19 A. I have not.

20 Q. Where Mr. Lehman writes, "Bro, you  
21 weren't offered free RR/BAYC. You were offered  
22 lower priced ones," do you see that statement?

23 A. Yes.

24 Q. Were you offered lower priced RR/BAYC?

25 A. Yes. Everybody was.

1 Q. What do you mean by that?

2 A. The RR/BAYC was -- when Ryder began  
3 doing the -- when he first created the Jimmy one,  
4 people were asking for them. And he would -- in  
5 protest of defining what an NFT was, he would create  
6 them for free.

7 Then he started to issue them because it  
8 took time out of his day at I believe it was .1 ETH,  
9 I believe. I don't remember.

10 And then as we created software to  
11 automate the reservation side of that, the price  
12 increased to .15. So it's a constant increase in  
13 price as a result of momentum is the only context  
14 I'd have here.

15 Q. That's how you understand Mr. Lehman's  
16 comment here about the lower priced RR/BAYC?

17 A. Correct.

18 Q. What do you mean by in protest of what  
19 an NFT is?

20 A. I mean, you have a lot of information  
21 here. I imagine you have information regarding,  
22 like -- NFTs -- I've been doing crypto for quite a  
23 while. NFTs are selling in this launch cycle.  
24 Issuing an NFT is the same as doing an ICO. It's  
25 the same process.

1                   People try to connect it to art, but  
2                   there's no -- there's nothing put into the smart  
3                   contracts by the developer that connect anything to  
4                   art. The art is a public domain. It lives in some  
5                   public place. The thing that you're purchasing is  
6                   this token.

7                   So I often protest the ideology of these  
8                   things being securities. I protest the ideology of  
9                   people issuing intellectual property through these  
10                  things. I protest the ideology of a lot of the  
11                  above -- the false narrative that these things  
12                  represent. So the protest has more to do with one's  
13                  ability or inability to copy an NFT.

14                Q.           And you understood that that protest was  
15                Mr. Ripps' protest?

16                A.           Which protest?

17                Q.           The protest of the NFT.

18                        I'm trying to understand your testimony  
19                about Mr. Ripps creating the RR/BAYC as a protest of  
20                what an NFT is.

21                A.           Oh, we aligned on certain subject  
22                matter. You know, I take offense to the bored  
23                imagery. I'm a black man. It's unfortunate to  
24                look at.

25                        There's other references in there that

1 touch on other ethnicities and other religion. So  
2 there's an alignment on the idea of what an NFT is  
3 and what I believe is the misappropriation of  
4 culture and race. So we aligned on a lot of that,  
5 hence the support.

6 (Exhibit 12 marked.)

7 BY MS. CULP:

8 Q. Do you recognize Exhibit 12?

9 A. This looks like a dev chat, a  
10 development chat.

11 Q. From the Twitter platform; correct?

12 A. Yes, I believe so. These names, yes.

13 Q. So you had previously referenced you  
14 might have direct person-to-person communications in  
15 Twitter, and you might be part of some development  
16 chat in Twitter as well; correct?

17 A. I'm a part of many development chats on  
18 Twitter.

19 Q. This is one example of a development  
20 chat where RR/BAYC is referenced; correct?

21 A. Correct.

22 Q. And it's one where you reference  
23 RR/BAYC; correct?

24 A. Correct.

25 Q. Okay. Do you see your message at



1 9:24 p.m. at the top of the page?

2 A. At 9:24 at the top of the page, yes.

3 Q. You write, "DMCA! RR/BAYC."

4 Do you see that?

5 A. Yes.

6 Q. Do you recall what that was in reference  
7 to?

8 A. I do not.

9 Q. Do you recall what you meant by that?

10 A. It would be -- just knowing the context  
11 of this chat, it would be in protest of the ideology  
12 of what NFTs are and are not. The DMCA would be  
13 explicit for OpenSea. It would be an OpenSea  
14 reference.

15 DMCA, in reference to OpenSea, resulted  
16 in the takedown of several collections that left  
17 communities abandoned in the past that I've  
18 contributed to helping get those communities  
19 jump-started with either their own marketplaces or  
20 their own -- some resolution for the community  
21 members that purchased these things. So the DMCA  
22 would be most likely specific to that.

23 If I had more context to this, I would  
24 be able to tell you. This is from June, so I  
25 couldn't fully.

1 Q. Right. So if we had your Twitter DM  
2 chat, we could scroll up, presumably, and see more  
3 of the context; correct?

4 A. Correct.

5 Q. Do you know who FastFoodRembrandt.onion  
6 is?

7 A. Yes.

8 Q. Who is it?

9 A. It's FastFood. I don't know his real  
10 name. Yeah, I don't know his real name.

11 Q. I want to look further down in the  
12 message.

13 You write, "Identical URL." Do you know  
14 what that's in reference to?

15 A. Correct. Okay. So this gives me more  
16 context.

17 So the -- again, back to the NFT  
18 protesting. People are buying things that they  
19 don't understand. The artwork has nothing to do  
20 with what you're purchasing or what's being  
21 solicited to you to purchase with regards to my  
22 position on what payments do. Whether it be  
23 doodles, whether it be Bored Ape Yacht Club.

24 The contract developers reference public  
25 domain artwork that's hosted on IPFS in the contract

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1 that then OpenSea as a middleware has to go and  
2 fetch and render at however they decide in their UI  
3 to call it merchandise the sale of these tokens  
4 because there's no image.

5 The contract of BAYC was -- just before  
6 the RR/BAYC went live, the contract was -- the  
7 ownership of the contract was revoked, so the owners  
8 were no longer Yuga Labs. And as a result, the  
9 public domain assets of those images could not be  
10 changed in the BAYC contract.

11 The image paths inside the Foundation  
12 contract of RR/BAYC uses the same public domain  
13 imagery. The DMCA references, if you file a DMCA on  
14 the imagery, you would subsequently take down the  
15 art of both collections.

16 So that specific tweet that Emily tweets  
17 at Emilylovescryptotweets at 9:25, which looks like  
18 a retweet of me, is specific to that, just for the  
19 full context.

20 Q. Does that also explain your reference to  
21 the identical URL? You've just explained that?

22 A. Correct, correct.

23 Q. Your next message is "Report RR/BAYC."  
24 Do you see that?

25 A. Correct.

Page 65

CONFIDENTIAL

1 A. Yes. He had to.

2 Q. How do you know that?

3 A. The private key is the only way to call  
4 the Foundation contract. And the private key  
5 exclusively exists in Ryder Ripps' possession.

6 Q. Could an assistant of Mr. Ripps' have  
7 mechanically done the minting with that private key?

8 A. In his presence, yes. Somebody could  
9 have been there and helped him out.

10 Q. Do you know if an assistant of  
11 Mr. Ripps' did use Mr. Ripps' key to mint any of the  
12 RR/BAYC NFTs that were sold?

13 A. I believe -- there was somebody. I  
14 don't know who they were, but there was somebody  
15 that surfaced that definitely helped mint when the  
16 volume started to become unbearable. They kind of  
17 split the workload.

18 Q. Do you know if Mr. Cahen helped  
19 Mr. Ripps at all mint any of the RR/BAYC NFTs?

20 A. No. If I'm not mistaken, he wasn't in  
21 the U.S. I don't remember. I don't believe so  
22 though.

23 Q. Farther down in Exhibit 15, this is 24th  
24 of May, 10:02 p.m., second line, "I'm fielding crazy  
25 inflow of messages. I'm not sure," and that's a

Page 81

1 reference to Tom Lehman, "if you were getting them  
2 in Twitter inbox, but mines is loaded."

3 Do you see that?

4 A. Yes.

5 Q. What does that refer to?

6 A. I was getting -- I was added to a group  
7 chat called "Soon." And it was the first of -- the  
8 first of an influencer chat that I was invited to.  
9 It was just an enormous amount of just communication  
10 that people were just -- my phone continued to die  
11 because all of the notifications. It's reference to  
12 the Soon chat group.

13 Q. Did any of the messages in the Soon chat  
14 group relate to RR/BAYC NFTs?

15 A. There were holders in there. There were  
16 people that were purchasing them in there. That I  
17 know for a fact. But I don't remember if there were  
18 any specific discussions around it. There was  
19 discussions around Miladys, for sure, at that time.  
20 There was discussions around Azuki and Zagabond at  
21 that time.

22 It was a chat that spoke on anything  
23 that was happening that was wrong during that time.  
24 So it's possible that there was conversations that I  
25 might have not even been privy to. So I would say,

1 to be safe in answering that, it's possible that,  
2 yeah, there was conversations.

3 Q. Is it equally possible that there could  
4 be conversations that relate to Ape Market in that  
5 Soon chat?

6 A. Certainly. A tweet, a retweet, yes,  
7 absolutely.

8 Q. Did you ever text with Mr. Ripps?

9 A. Not until August.

10 Q. Of this year?

11 A. Yes.

12 Q. Have any of your texts with Mr. Ripps  
13 concerned RR/BAYC?

14 A. They concerned meeting up to go to  
15 Wyoming and have a discussion in person about  
16 RR/BAYC.

17 Q. Did any of your texts with Mr. Ripps  
18 relate to this lawsuit?

19 A. No.

20 Q. Did any of your texts with Mr. Ripps  
21 relate to BAYC?

22 A. They were -- it wasn't BAYC-specific.  
23 It was, Hey, we're going to go to Wyoming and  
24 meet -- they were coordination plans to meet with  
25 Dame Dash in Wyoming.

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1 Q. Who's that?

2 A. He's an influencer. He's an executive,  
3 a filmmaker.

4 Q. Who's doing a documentary?

5 A. No. He represents -- my interest is  
6 he -- he's a strong voice in the black community.  
7 And to increase and amplify the wrong here, the idea  
8 was to speak with him, speak and get on a few  
9 podcasts and perhaps even speak with some  
10 high-profile people.

11 He's -- his career is building -- he was  
12 Jay-Z's partner for a decade or so. So he has a lot  
13 of access. So the idea was to speak with him to  
14 help, you know, get this message out that there are  
15 people who are making tens if not hundreds of  
16 millions of dollars exploiting people through  
17 selling unlicensed securities, through selling this,  
18 like, make-believe art IP thing, and doing it with  
19 this very racially charged anti-Semiticly charged  
20 imagery.

21 Q. Have you had any text messages with  
22 Mr. Cahen about this lawsuit?

23 A. Stress -- I'm being verbatim -- Hey, I'm  
24 stressed. This stuff is stressing me out.

25 High-level -- high-level -- yes. The

Page 84

1 answer is yes.

2 Q. Have you had any text messages with  
3 Mr. Lehman?

4 A. About the lawsuit, no.

5 Q. About RR/BAYC?

6 A. Not that I can recall. We text. But  
7 texting is newer for us. We talk in so many  
8 different forms I couldn't off the top of my head  
9 differentiate where. But it's possible.

10 Q. Okay. When was the last time you  
11 communicated in any form with Mr. Lehman?

12 A. Nine hours ago maybe, I believe.

13 Q. What did you and Mr. Lehman talk about  
14 nine hours ago?

15 A. Standing up a front framework.

16 Q. Not related to this deposition?

17 A. Not related to this.

18 Q. Does he know you're being deposed today,  
19 as far as you're aware?

20 A. He actually doesn't.

21 Q. There would have been source code  
22 related to the projects you've been talking about  
23 today; is that right?

24 A. Yes.

25 Q. Did you do anything to produce that



1 source code to us in response to the subpoena that's  
2 Exhibit 1?

3 A. Yes.

4 Q. What?

5 A. I linked to the source code. I believe  
6 I linked to it or I put the link in the response  
7 that I sent in the PDF. Or it might have been in  
8 the email itself.

9 Q. Exhibit 7, can you show me where the  
10 link is to the source code?

11 A. It would have been in the email itself,  
12 I believe.

13 Q. So turn to the front page of Exhibit 7.  
14 Do you see a link to the source code?

15 A. No. I didn't put an actual link in  
16 here, I don't believe.

17 Q. You have access to the source code?

18 A. Yes. It's public. Everybody has access  
19 to it.

20 Q. Can you explain that to me?

21 A. The blockchain executes -- when you  
22 submit code to the blockchain, it's publicly  
23 accessible. It's publicly readable.

24 THE VIDEOGRAPHER: Going off the record  
25 at 11:16 a.m.

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1 Q. Do you know if Arze was Mr. Ripps'  
2 assistant in June of 2022?

3 A. I'm not certain.

4 Q. You don't know their in-real-life name?

5 A. No.

6 Q. Do you see Arze writes, "Should probably  
7 move over to Telegram/Signal"?

8 A. Yes.

9 Q. Do you know if Arze set up a Telegram or  
10 Signal chat on or about June 28, 2022?

11 A. No. For certainly not Signal --  
12 certainly not a Signal that I was privy to.

13 Q. It's unfortunately cut off here, but you  
14 can see June 28, 2022, at 7:46 p.m. Then if you  
15 continue over, you can see the icon that's been cut  
16 off continues, and the message is, "I can start a  
17 group chat. I have everyone except Tom."

18 Do you see that?

19 A. Yes.

20 Q. Do you recall being added to a group  
21 chat in or about June 28, 2022, that includes  
22 Mr. Ripps, Mr. Cahen, Mr. Lehman, whomever Arze is,  
23 and yourself?

24 A. It's possible that I was added, but it  
25 wouldn't have been an active chat group that I was

Page 89

1 in or that I opened up.

2 Q. It would not have been an active chat  
3 group?

4 A. I'm invited to a lot of chat groups. I  
5 don't necessarily open them up. This is very  
6 possible that I didn't open this one. The context  
7 of our conversations happened largely in Discord,  
8 over voice on Discord, over voice on Telegram, or in  
9 our Telegram chat. I didn't really deviate from  
10 those -- specifically this group of people, deviate  
11 from those forums for discussion.

12 Q. And as you sit here, I'm understanding  
13 your testimony that you don't recall being invited  
14 to a chat set up by someone named Arze on or about  
15 June 28, 2022?

16 A. No.

17 Q. And if it was in Telegram, that chat  
18 invite and whatever data was there would no longer  
19 be associated with your --

20 A. Correct.

21 Q. -- phone because of the encryption?

22 A. Correct.

23 (Exhibit 17 marked.)

24 BY MS. CULP:

25 Q. Just a couple messages between you, and

1 it's produced by Mr. Lehman, so we know Mr. Lehman  
2 is on there.

3 You write, "Ryder said ... our lawyers  
4 can prob help respond to it."

5 Do you see that?

6 A. Yes.

7 Q. Do you recall a conversation with  
8 Mr. Ripps in early September about the subpoena that  
9 was served on you by Yuga Labs in September that's  
10 our Exhibit 2?

11 A. We've had discussions. I don't know  
12 this specific one, but I can see that I'm in the  
13 discussion. I just don't know -- there's not enough  
14 information for context for me, but yes, I had this  
15 discussion.

16 Q. With Mr. Ripps? You certainly had the  
17 conversation with Mr. Lehman?

18 A. Yes, yes.

19 Q. Do you recall the conversation with  
20 Mr. Ripps?

21 A. I believe so. I believe so.

22 Q. What do you recall about your  
23 conversation with Mr. Ripps that's referenced in  
24 Exhibit 17?

25 A. I believe we had a discussion about the

1 Yuga community."

2 Do you see that?

3 A. Yes.

4 Q. Do you know who created that imagery,  
5 the "Dear Yuga community"?

6 A. I do not. But I do know that Ryder  
7 retouched it. I don't remember who made the  
8 original image though.

9 Q. You did not?

10 A. No, I did not. I added something to  
11 this. I don't remember what though. But somebody  
12 else made the original image, and I modified it, and  
13 then Ryder took it and modified it further. I don't  
14 remember specifically the sequence of that.

15 Q. Somebody made it. You modified  
16 something that you don't recall right now. Then  
17 Ryder modified something that you don't recall now?

18 A. Correct.

19 Q. And then that fully modified image was  
20 posted on Twitter by --

21 A. Correct. The specific -- you're talking  
22 specifically about this image (indicating)?

23 Q. Correct. "Dear Yuga community, RR/BAYC  
24 is about to save you over 8 billion a year on Ape  
25 Market"?

1 A. Correct.

2 Q. Do you know if that was posted by  
3 Mr. Cahen to Twitter? Do you know if he posted that  
4 image to Twitter?

5 A. I believe so. I believe he controlled  
6 that account.

7 Q. Do you know if -- "that account" being  
8 the Ape Market Twitter account?

9 A. Correct.

10 Q. Do you know if Mr. Ripps posted that  
11 image to Twitter?

12 A. It's very, very possible.

13 Q. When you modified it, did you understand  
14 that it was going to be posted to Twitter by one or  
15 both of them?

16 A. It's a possibility -- I mean, there's a  
17 possibility that it would be. The image above in  
18 the apron I made.

19 Q. The two individuals with the Ape Market  
20 apron?

21 A. Yes.

22 Q. You made that one?

23 A. I anticipated somebody would post it.  
24 It's a meme.

25 Q. Do you know who made the image to the

1 right, the two apes? One says "10,000 fees," the  
2 other says "zero fees," and underneath it it says  
3 "Ape Market"?

4 A. I made that image.

5 Q. When you made that, did you understand  
6 it might get posted to Twitter?

7 A. No. That was a comp for the market  
8 design on the second page of this document. A comp,  
9 a composition, a draft.

10 Q. Do you remember anything else about your  
11 meeting with Mr. Ripps in your home related to Ape  
12 Market that you haven't already told me about?

13 A. I mean, it was a bunch of ideation.  
14 Nothing specific that I remember.

15 Q. What do you mean by "ideation"?

16 A. Talk about ideas, pixel-push ideas.  
17 Think about ways to make it a benefit to people.

18 Q. Make Ape Market a benefit to people?

19 A. Correct.

20 Q. Do you remember any of those ideas that  
21 you and he discussed?

22 A. Ways to remove any kind of fees, fee  
23 overlap.

24 Again, back to the contracts, the  
25 contracts preach of this royalty that is supposed to

1 admit and get, whatever. It doesn't exist. People  
2 are paying a markup to both OpenSea or other  
3 marketplaces like LooksRare. They're also paying a  
4 markup to Yuga Labs for a royalty that OpenSea  
5 collects, not a royalty that's enforced at the  
6 contract level. Other marketplaces enable you to  
7 trade these things. You can go to Blur. You can go  
8 to X2Y2.

9 Apes actually trade -- or Ape -- I mean  
10 Bored Ape Yacht Club or Yuga asset holders actually  
11 trade assets on this marketplace to benefit from the  
12 reduced fees. So a lot of the discussion was what's  
13 a creative way to give that value to this community.

14 Q. "This community" being Bored Ape Yacht  
15 Club owners?

16 A. Being anybody who trades an NFT with  
17 a -- kind of a launch ground around the BAYC, the  
18 mutants, the dogs, the land.

19 Q. By "mutants" you're referring to --

20 A. The Mutiny block club.

21 Q. And by "the dogs," you're referring to  
22 what, for the record?

23 A. The board Kennel -- I don't know the  
24 whole -- but the Yuga-owned dog project. I don't  
25 know what -- the full acronym.



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1 Q. By "the land" you're referring to the  
2 deeds on other side?

3 A. Correct.

4 Q. So the vision for Ape Market was to  
5 allow owners of four different kinds of Yuga Labs  
6 NFTs to trade those on Ape Market?

7 A. No. The vision was to create a fee-free  
8 marketplace for any NFT, and it just so happens that  
9 the largest, the most vocal, the most traded  
10 volume-wise NFTs are those specific Yuga assets. So  
11 the idea was, if people are excited about, you know,  
12 this work that we're doing, perhaps we roll out in a  
13 way that is inclusive of those collections first.

14 Q. Why?

15 A. Because it represents the lion's share  
16 of the activity in the market.

17 If you go and study the numbers, most of  
18 the numbers are fake. Most of the volume is washed.  
19 The only collections that really trade are Yuga.  
20 They also are impacted by the wash trading as well,  
21 and the paint tape trading as well, where they're  
22 trading between known wallets. But there is a cream  
23 at the top, call it, that is real activity.

24 So there isn't a market for anything  
25 else. So the idea is to empower a market very

Page 110

1 similar to X2Y2 that allows people to trade in any  
2 assets that have realistic volume.

3 Q. And to do that you were starting with  
4 the four Yuga Labs assets that you just referenced?

5 A. Correct.

6 Q. Turn back to Exhibit 9. The third page  
7 of Exhibit 9 -- your copy, I don't know if it's  
8 double-sided, but it's the third page of text. The  
9 message is, again, on the 13th of June. You're  
10 going to want to back up one page.

11 A. I'm sorry.

12 Q. It's at the bottom -- you're on the  
13 right page. It's the bottom of the page. We're  
14 still on the 13th of June at 6:12 p.m.

15 Do you see that?

16 A. Yes.

17 Q. And your last message there, "Sitting  
18 here with Ryder stepping through Ape Market  
19 updates."

20 A. Uh-huh.

21 Q. Are the updates referenced here any  
22 different than what you've just described you and  
23 Mr. Ripps were going through in your home related to  
24 Ape Market?

25 A. Same.

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1 Q. Same, okay. And just I'm looking for, I  
2 guess, a list. We talked about some of it. But you  
3 and Mr. Ripps have or have not communicated related  
4 to Bored Ape Yacht Club, Yuga Labs, or RR/BAYC in  
5 text form. Yes? Correct?

6 A. Yes.

7 Q. In Twitter DM?

8 A. It's a possibility, actually.

9 Q. What about in Discord? The two of you  
10 to each other, not the chats that we've seen?

11 A. I've never spoken to Ryder in Discord  
12 privately.

13 Q. Understood, and I appreciate the  
14 clarification.

15 In email?

16 A. No. Email -- it's possible that he  
17 might have sent me a file via email. But no -- no  
18 communication. No bidirectional communication.

19 Q. In Telegram in a written format?

20 A. I've spoken to him many times on  
21 Telegram. Telegram is how I originally  
22 communicated with him. But it's not -- it's not  
23 Bored Ape-specific. It's building all different  
24 kinds of things.

25 Q. But it's possibly related to Bored Ape?

Page 112

1 A. There could be a reference in there.

2 Q. And there could be a reference to Ape  
3 Market in there?

4 A. It's a possibility.

5 Q. It's possible there's a reference to  
6 RR/BAYC in there?

7 A. It's a possibility.

8 Q. Same sorts of questions for Mr. Cahen.

9 You and he, have you communicated via  
10 text related to Bored Ape Yacht Club, RR/BAYC, Ape  
11 Market, Yuga Labs?

12 A. Very -- I would say it's very possible.

13 I speak to him normally over voice. But it's  
14 possible that there's something written somewhere.

15 Q. Twitter DM for Mr. Cahen?

16 A. It's very possible. It might be in a  
17 group of multiple people, but very possible.

18 Q. Discord, other than the group chats that  
19 we've seen?

20 A. It is possible that -- yes, it's  
21 possible.

22 Q. Email?

23 A. No.

24 Q. Telegram?

25 A. No, not that I can surface.

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1 Q. It's possible there were Telegram  
2 communications between you and Mr. Cahen before you  
3 encrypted your device, but those would not be  
4 accessible now?

5 A. Correct.

6 Q. Same list of questions for Mr. Lehman.

7 Have you and he communicated by text  
8 message related to RR/BAYC, BAYC, or Ape Market?

9 A. It's definitely possible over text. And  
10 it's also possible over Discord. I don't know if I  
11 had one-on-one with him ever. I don't believe I  
12 have one-on-one specific to this in Telegram. It's  
13 possible though. I speak to him in so many  
14 different forms that I don't -- I can't necessarily  
15 recall, but I can look.

16 Q. And email?

17 A. Files, but no -- no bidirectional  
18 communication.

19 Q. When did you first meet Mr. Lehman in  
20 any context?

21 A. December-ish 2021.

22 Q. And what was the general nature of your  
23 first introduction to Mr. Lehman?

24 A. Protest.

25 Q. Same Phunks community?

Page 114

CONFIDENTIAL

1 A. (Inaudible response.) Yes.

2 Q. I want to go back. Mr. Cahen mentioned  
3 the bottleneck problem that you were going to help  
4 solve.

5 A. Yes.

6 Q. When did you learn that Mr. Lehman would  
7 be part of the effort to solve that bottleneck  
8 problem?

9 A. I was last.

10 Q. I see. So if we go to Exhibit 8. As I  
11 mentioned earlier, this is the very first message we  
12 have for Team Ape Market.

13 A. Uh-huh.

14 Q. You can see the very top message is --  
15 the only message on 8 is the 18th of May 2022.

16 At that point your understanding was Tom  
17 Lehman had already joined the effort to help with  
18 the bottleneck problem?

19 A. Yes. It began over a call. It was a  
20 Discord call I received.

21 Q. From Mr. Cahen?

22 A. Yes.

23 Q. Was Mr. Lehman on the call?

24 A. I don't remember. I don't remember  
25 actually.

Page 115

CONFIDENTIAL

1                   My question is what was the plan for the  
2                   OTCs as outlined by the three of you here?

3                   A.           I don't remember what the plan was at  
4                   this point in time, but I do remember we ultimately  
5                   seeded the contract with those specific IDs.

6                   If you create a race condition, if  
7                   you're still producing new token IDs and you allow  
8                   the community to begin to start producing token IDs,  
9                   you can create an overlap where people produce the  
10                  same token IDs. So you have to stop one process to  
11                  begin the other. Ultimately we were trying to find  
12                  a solution for that in this conversation.

13                  Again, without the rest of the context,  
14                  I actually don't remember specifically where we  
15                  landed other than best practice, which is stop doing  
16                  it by hand.

17                  (Exhibit 33 marked.)

18                  BY MS. CULP:

19                  Q.           Exhibit 33 is in front of you. This is  
20                  from the Telegram that we saw earlier, another one  
21                  of the screen grabs from the Telegram. There's a  
22                  message at 21:58 from you.

23                  Do you see that, in the middle?

24                  A.           Yes.

25                  Q.           What is "collection auto show"?

1           A.           That is the test collection to test the  
2           functionality of Foundation. These are all  
3           burned -- I believe they're all burned NFTs now.  
4           But in order to test how the rights permission works  
5           with the Foundation contract, the auto show contract  
6           was deployed to validate that the software  
7           functioned as intended, the bionic arm software  
8           functioned as intended.

9           Q.           Is this a screen grab of an email that  
10          you received from OpenSea team?

11          A.           Yes, this is.

12          Q.           And what email address would the email  
13          from OpenSea team have been sent to?

14          A.           I believe either my Kingsrborn or  
15          Hwonder, one of the two Gmail accounts. I don't  
16          know off the top of my head.

17          Q.           So is this OpenSea telling you that this  
18          test ape was delisted by OpenSea?

19          A.           Yes.

20          Q.           What did you understand that to mean?

21          A.           That they delisted it; that it was no  
22          longer available on the OpenSea website.

23          Q.           Do you know why they delisted it?

24          A.           No. OpenSea delists when somebody  
25          complains about something. I've had several



1 collections, even my own artwork, delisted. So  
2 there's no -- they don't give a specific enough  
3 answer. It always is an "or" answer in their  
4 emails.

5 Q. I don't see in this email an explanation  
6 as to why it was delisted. It may be because the  
7 font is gray.

8 My question is do you know if the  
9 explanation that you just mentioned you sometimes  
10 get from OpenSea would be in the screen grab, or if  
11 it would be part of that email elsewhere or yet a  
12 separate email?

13 A. I don't know specifically. I don't  
14 know, actually.

15 (Exhibit 34 marked.)

16 BY MS. CULP:

17 Q. Do you recognize Exhibit 34?

18 A. What is this? This is -- choppers in  
19 here.

20 Q. I can tell you this is a screen grab  
21 from a public Discord but not Larva Labs garbage  
22 Discord channel.

23 A. Okay, yes. I know what this is. I  
24 didn't realize we talked about it here.

25 Q. Is that another Discord channel where

CONFIDENTIAL

1       there might be posts by you about RR/BAYC?

2           A.       Yes.

3           Q.       And at the top you write, "RR/BAYC  
4       specifically, which has BAYC token name."

5                   Do you see that?

6           A.       Correct.

7           Q.       Also in parentheses, "in the Foundation  
8       contract."

9                   Do you see that?

10          A.       Correct.

11          Q.       What did you mean by that?

12          A.       That in the token contract, the  
13       Foundation contract, it has the initials "BAYC" in  
14       the name.

15          Q.       So the token name -- the name for the  
16       RR/BAYC contract uses the BAYC token name?

17          A.       It has BAYC in it on Foundation, yes.

18                   MS. CULP: Let's take a break.

19                   THE VIDEOGRAPHER: Going off the record  
20       at 2:18 p.m.

21                   (A break was taken.)

22                   THE VIDEOGRAPHER: Back on the record.  
23       Time is 2:30 p.m.

24                   MS. CULP: We're going to mark next in  
25       order, which I think is 39.

1 they buy and bid on that term, and it results in  
2 their result being the number one result.

3 Q. Did any of the four of you to your  
4 knowledge purchase any Google Ad words for either  
5 RR/BAYC.com or ApeMarket.com?

6 A. No.

7 Q. Was there a plan in place if Ape Market  
8 launched to spend on Google ad words for Ape Market?

9 A. No, not that I know of. We might have  
10 discussed the research and kind of principles behind  
11 it, and I might have been verbose in kind of  
12 explaining because I sold a company that specialized  
13 in that before. So I might have been verbose and  
14 went off topic a bit and talked about it. But there  
15 was no plan to ever utilize that form of marketing  
16 and promotion technically.

17 (Exhibit 67 marked.)

18 BY MS. CULP:

19 Q. Exhibit 67. In the middle of this  
20 exhibit on the 23rd of May at 10:43 a.m., at the end  
21 of that post you write, "People will want the same  
22 (rarer) things."

23 Do you see that?

24 A. Yes.

25 Q. Are you referring to the rarer Bored Ape

1 Yacht Club NFTs?

2 A. Yes.

3 Q. And that purchasers of RR/BAYC NFTs  
4 would want the matching imagery for something that  
5 was rarer in the BAYC NFT collection?

6 A. Yes.

7 Q. Why did you think that people would want  
8 those rarer images?

9 A. People like nicer things. So if people  
10 get credibility and celebrity and they're able to  
11 feel like they're dominant in a community, and  
12 that's done by accessing these rarer traits than  
13 just the history of these types of projects would, I  
14 at that time mentioned that that's a likelihood that  
15 they would want things that are rarer, shinier,  
16 prettier.

17 MS. CULP: Understood.

18 MR. GOSMA: What's the time on the  
19 record?

20 THE VIDEOGRAPHER: We are six hours and  
21 20 minutes.

22 MR. GOSMA: Thank you.

23 (Exhibit 68 marked.)

24 BY MS. CULP:

25 Q. I want you to turn toward the end of 68.

1 On the 23rd of May there's a post by Mr. Cahen at  
2 7:28 p.m.

3 Do you see that?

4 A. Yes, I do.

5 Q. It references a Google doc?

6 A. I see it.

7 Q. Do you have access to that Google doc  
8 today?

9 A. It's possible. I don't believe I even  
10 opened that document. I'm not certain. It's  
11 possible I have access to it.

12 Q. You'd have to go check?

13 A. I'd have to check.

14 MR. GOSMA: Would now be a time to take  
15 five?

16 MS. CULP: Sure.

17 THE VIDEOGRAPHER: Going off the record  
18 at 5:13 p.m.

19 (A break was taken.)

20 THE VIDEOGRAPHER: We're back on the  
21 record. The time is 5:22 p.m.

22 (Exhibit 69 marked.)

23 BY MS. CULP:

24 Q. Exhibit 69. If you turn to the second  
25 page, it begins on your message on the 30th of May

1 at 10:44 p.m.

2 Do you see that?

3 A. Yes.

4 Q. And there's a mock-up of Ape Market. Is  
5 that what that is?

6 Turn --

7 A. Yes.

8 Q. -- to the 30th of May at 10:44 p.m.

9 A. Yes.

10 Q. That image that you post is a mock-up of  
11 Ape Market?

12 A. That is a mock-up, yes.

13 Q. And then at 10:45 p.m., that's another  
14 mock-up?

15 A. Yes. These are all mocks.

16 Q. "These" meaning the Ape Market images  
17 you're posting are all mocks of the Ape Market  
18 website that's being built?

19 A. Correct. Styled, but yes. The building  
20 is done by Reservoir. The styling is putting things  
21 to display in a particular way. You put the logo  
22 here. They load all the data into the view. Now  
23 you put paint on the walls. It's a prefab house.

24 Q. The styling that you're talking about,  
25 is that in any way related to the "ultra-min"

1 comment that we saw in a prior exhibit about making  
2 it look ultra-min like BAYC?

3 A. The ultra-minimum is using their design  
4 system, using their paint, versus using other  
5 standard paint techniques, if we were in that  
6 metaphor, yes.

7 Q. So the paint that we're seeing for Ape  
8 Market in Exhibit 69 is intended to look ultra-min  
9 like the real BAYC?

10 A. No. This doesn't look like it. The  
11 real BAYC, you call it, the Yuga Labs product is a  
12 dark gray with green accents and text. There's  
13 different imagery in the way it's laid out. So this  
14 actually deviates from it. This is actually the  
15 default aesthetic of Reservoir's product.

16 Q. In your post at 10:46 p.m. there's  
17 another image that's, again, a mock-up?

18 A. Yes.

19 Q. You're asking for feedback about the  
20 looks that you're sharing and these posts that we  
21 just looked at with the images?

22 A. Correct.

23 Q. Then you write, "It's difficult to make  
24 the collections coexist without adding a friction  
25 step."

CONFIDENTIAL

1 Do you see that?

2 A. Yes.

3 Q. Mr. Cahen writes, "What are the major  
4 difficulties?"

5 A. Yes.

6 Q. You say, "They are the same art, LOL."  
7 Do you see that?

8 A. Yes.

9 Q. You mean it's the same imagery?

10 A. Yes.

11 Q. Mr. Cahen says, "Yes, LMAOOO"?

12 A. Yes.

13 Q. You go on to say, "Same logos,  
14 et cetera, it's not clear as day"?

15 A. Yes.

16 (Exhibit 70 marked.)

17 BY MS. CULP:

18 Q. Did you add a friction step to Ape  
19 Market?

20 A. Ape Market was never released.

21 Q. As of the 24th of June, had a friction  
22 step been added to Ape Market to allow the  
23 collections to coexist in a way that was not  
24 confusing?

25 A. There was a discovery of a dropdown

Page 267



CONFIDENTIAL

## CERTIFICATE OF REPORTER

STATE OF NEVADA           )  
  )SS

COUNTY OF CLARK           )

I, Holly Larsen, a duly certified court reporter licensed in and for the State of Nevada, do hereby certify:

That I reported the taking of the deposition of the witness, Ryan Hickman, at the time and place aforesaid;

That prior to being examined, the witness was by me duly sworn to testify to the truth, the whole truth, and nothing but the truth;

That I thereafter transcribed my shorthand notes into typewriting and that the typewritten transcript of said deposition is a complete, true, and accurate record of testimony provided by the witness at said time to the best of my ability.

I further certify (1) that I am not a relative or employee of counsel of any of the parties; nor a relative or employee of the parties involved in said action; nor a person financially interested in the action; nor do I have any other relationship with any of the parties or with counsel of any of the parties involved in the action that may reasonably cause my impartiality to be questioned; and (2) that transcript review pursuant to FRCP 30(e) was requested.

IN WITNESS HEREOF, I have hereunto set my hand in the County of Clark, State of Nevada, this 21st day of December, 2022.



HOLLY LARSEN, CCR NO. 680